

Message Text

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ACTION IO-14

INFO OCT-01 ADP-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSC-01

CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-10

PA-03 PRS-01 SS-15 USIA-15 SY-10 USSS-00 EB-11 DOTE-00

FAA-00 CAB-09 JUSE-00 COME-00 AID-20 TRSE-00 SCA-01

OMB-01 M-03 A-01 RSR-01 /212 W
----- 125912

R 030212Z AUG 73

FM USMISSION USUN NY

TO SECSTATE WASHDC 8956

UNCLAS SECTION 1 OF 2 USUN 2771

EO 11652: N/A

TAGS: PINS UN

SUBJ: UN AD HOC COMITE ON TERRORISM - SUB-COMITE ON
DEFINITION

SUMMARY : DISCUSSION ON DEFINITION CONCLUDED WITH PLEthora
OF DRAFT DEFINITIONS ON WHICH THERE WAS NO AGREEMENT. DISCUSSION
DIVIDED INTO THOSE WHO FAVORED DEFINITION AND THOSE WHO DID NOT,
THOSE WHO WISHED TO INCLUDE STATE ACTION AND THOSE WHO DID NOT.
END SUMMARY.

1. GONZALEZ LAPEYRE (URUGUAY) SAID TERM "TERRORISM" IS VAGUE
AND EFFORTS MOADE SO FAR TO DEFINE IT, SUCH AS THAT OF FRANCE,
PROVIDED LITTLE ADDITIONAL GUIDANCE. SUGGESTED BEST APPROACH
WOULD BE TO PROVIDE A LIST OF ACTS. IN DRAWING UP A LIST OF
ACTS AND DETERMINING HOW TO APPROACH MEASURES, BASIC GOAL SHOULD
BE TO REMOVE PROTECTION BASED ON "POLITICAL OFFENSE" DOCTRINE
FROM PERPETRATORS OF SUCH ACTS.

2. OGBU (NIGERIA) INTRODUCED CONFUSED NON-ALIGNED EFFORT AT
DEFINITION WHICH INCLUDED ACTS BY STATES AND ACTS OF VIOLENCE
BY INDIVIDUALS OR GROUPS WHICH JEOPARDIZE HUMAN LIVES:
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"THE NON-ALIGNED GROUP SUGGESTS INITIALLY THAT:

"THE ACTS OF INTERNATIONAL TERRORISM FOR THE PURPOSES OF CARRYING OUT THE MANDATE OF THE AD HOC COMMITTEE ON INTERNATIONAL TERRORISM ENTRUSTED TO IT BY GENERAL ASSEMBLY RESOLUTION 3034 (XXVII), INCLUDE;

- 1) ACTS OF VIOLENCE AND OTHER REPRESSIVE ACTS BY COLONIAL, RACIST AND ALIEN REGIMES AGAINST PEOPLES STRUGGLING FOR THEIR LIBERATION, FOR THEIR LEGITIMATE RIGHT TO SELF-DETERMINATION, INDEPENDENCE AND OTHER HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;
- 2) TOLERATING OR ASSISTING BY A STATE THE ORGANIZATIONS OF THE REMNANTS OF FASCISTS OR MERCENARY GROUPS WHOSE TERRORIST ACTIVITY IS DIRECTED AGAINST OTHER SOVEREIGN COUNTRIES;
- 3) ACTS OF VIOLENCE COMMITTED BY INDIVIDUALS OR GROUPS OF INDIVIDUALS WHICH ENDANGER OR TAKE INNOCENT HUMAN LIVES OR JEOPARDIZE FUNDAMENTAL FREEDOMS AND THE CAUSES OF WHICH LIE IN FRUSTRATION, INJUSTICE, RACISM, OCCUPATION AND FOREIGN DOMINATION;
- 4) ACTS OF VIOLENCE COMMITTED BY INDIVIDUALS OR GROUPS OF INDIVIDUALS FOR PRIVATE GAIN, THE EFFECTS OF WHICH ARE NOT CONFINED TO ONE STATE."

3. GREEK REP EXPRESSED SKEPTICISM ABOUT DEFINITION EXERCISE AND STRESSED NEED TO DEVELOP INTERNATIONAL LEGAL MEASURES TO COVER THOSE ACTIVITIES OF INDIVIDUALS AND GROUPS OF INDIVIDUALS WHICH AS A RESULT OF INCREASING SPREAD OF PROBLEM WERE CAUSING A DETERIORATION IN INTERNATIONAL RELATIONS. HAITI OFFERED FOLLOWING TEXT:

"ANY THREAT OR ACT OF VIOLENCE COMMITTED BY A PERSON OR GROUP OF PERSONS OF FOREIGN TERRITORY OR IN ANY OTHER PLACE UNDER INTERNATIONAL JURISDICTION AGAINST ANY PERSON WITH A VIEW TO ACHIEVING A POLITICAL OBJECTIVE."

4. GUNAY (TURKEY) LAUNCHED INTO LENGTHY ANALYTICAL SURVEY OF DIFFERENT TYPES OF DEFINITION: EXHAUSTIVE, NON-EXHAUSTIVE, GENERAL AND MIXED. CONCLUDED THAT ABSTRACT DEFINITION SHOULD NOT BE ATTEMPTED AND CITED GAPS AND VAGUENESS OF FRENCH EFFORT AS EXAMPLE PITFALLS ANY SUCH ATTEMPT.

5. SMIRNOV (USSR) SAID CONCEPT OF TERRORISM SHOULD OVER
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HEINOUS POLITICAL CRIMES OF AN INTERNATIONAL NATURE WHICH INCLUDE VIOLENCE, SUCH AS MURDER AND KIDNAPPING AND ATTEMPTS AT THESE ACTS, AGAINST FOREIGNERS FOR PURPOSE OF PROVOKING WAR OR OTHER INTERNATIONAL DIFFICULTIES OR FOR ORDINARY CRIMINAL PURPOSES. HOWEVER, HE ARGUED AGAINST INCLUDING ALL INTERNATIONAL MANIFESTATIONS OF VIOLENCE REGARDLESS OF MOTIVE BECAUSE THIS WOULD MEAN TREATING LAWFUL FIGHTING OF THOSE RESISTING COLONIALISM AND OCCUPATION ON SAME LEVEL AS ACTS OF

REPRESSION AGAINST SUCH FIGHTERS.

6. HOVEYDA (IRAN) SUGGESTED ELABORATING LISTS OF ACTS WHICH WOULD BE CONSIDERED "INTERNATIONAL TERRORISM," THAN SEEING WHAT THESE ACTS HAVE IN COMMON IN ORDER TO FORMULATE MORE GENERAL DEFINITION. HE AGREED WITH NON-ALIGNED LIST SUBMITTED BY NIGERIA, BUT PROPOSED RE-FORMULATION TO SEPARATE ASPECTS DEALING WITH "CAUSES" AS THIS SEPARATE TOPIC FOR DISCUSSION.

7. OHTAKA (JAPAN) MADE STRONG STATEMENT OPPOSING DEFINITION EXERCISE ON GROUNDS THAT IT WOULD ADD NOTHING AND RUN RISK IT IS TOO NARROW OF ENCOURAGING ACTS NOT INCLUDED. HE ALSO URGED THAT PURPOSE OF COMITE WAS NOT TO EXAMINE STATE TERRORISM ON WHICH SUBJECT THERE ALREADY FULLY DEVELOPED LEGAL PRINCIPLES IN CHARTER AND FRIENDLY RELATIONS DECLARATION CONTEXT.

8. ALTERNATE US REP EXPRESSED DOUBT THAT DEFINITION EITHER NECESSARY OR USEFUL. STATED THAT EXAMINATION OF "CAUSES" MIGHT REVEAL AGREEMENT ON GENERAL CATEGORIES OF CAUSES, SO DEFINITION NOT NECESSARY TO PROVIDE GUIDANCE ON THAT TOPIC. SIMILARLY, EXAMINATION OF SPECIFIC ACTS TO BE COVERED BY INTERNATIONAL LEGAL MEASURES WOULD BE EASIER TO AGREE UPON THAN A DEFINITION. SUGGESTED DEFINITION NOT ONLY UNNECESSARY BUT HARMFUL BECAUSE IT DISTRACTS WORK FROM MORE ESSENTIAL TASKS OF DEVELOPING MEASURES AND LIKELY TO LEAD TO NARROWING AREA OF AGREEMENT RATHER THAN WIDENING. URGED THAT COMITE IN CONSIDERING SCOPE OF ITS ACTIVITY BEAR IN MIND INUTILITY OF DUPLICATING WORK IN FIELDS IN WHICH LEGAL FRAMEWORK ALREADY EXISTED.

9. HOLZER (AUSTRIA) GAVE EXCELLENT STATEMENT ANALYZING SCOPE OF ACTIVITIES COVERED BY "INTERNATIONAL TERRORISM". KEY THRUST WAS THAT ON BASIS UNGA RES 3034, SYG REPORT A/A.6/418, AND FACT UNCLASSIFIED

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ACTION IO-14

INFO OCT-01 ADP-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSC-01

CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-10

PA-03 PRS-01 SS-15 USIA-15 SY-10 USSS-00 EB-11 DOTE-00

FAA-00 CAB-09 JUSE-00 COME-00 AID-20 TRSE-00 SCA-01

OMB-01 M-03 A-01 RSR-01 /212 W

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THAT SUBJECT MATTERS DEALT WITH IN OTHER CONTEXTS (SUCH AS FRIENDLY RELATIONS DECLARATION), STATE ACTIONS COULD NOT BE CONSIDERED AS FALLING WITHIN SCOPE OF MANDATE OF AD HOC COMITE ON TERRORISM. SHE MAINTAINED THAT WAY TO APPROACH INTERNATIONAL TERRORISM WAS TO ELABORATE LIST OF ACTS SO DANGEROUS THAT THEY MUST BE PUNISHED REGARDLESS OF MOTIVE FOR WHICH THEY COMMITTED.

10. UKRAINIAN REP ARGUED THAT STRUGGLE AGAINST AGGRESSORS AND COLONIALISTS NOT COVERED BY TERM "INTERNATIONAL TERRORISM." HE ARGUED FOR DEFINITION WHICH INCLUDED AMONG ITS ELEMENTS BOTH VIOLATION OF PRINCIPLES OF INTERNATIONAL LAW AND SERIOUS ACTS OF VIOLENCE.

11. RAHAL (ALGERIA) EXPRESSED OPTIMISM THAT WORK ON DEFINITION HAD BEGUN AND SAID THIS EFFORT WOULD BRING BETTER UNDERSTANDING AND REMOVE MISTRUST. HE SOUGHT TO SUM UP COMMON ELEMENTS TO ALL PROPOSED DEFINITIONS AS FOLLOWS: A) THEY STRESSED POLITICAL ASPECTS (WHILE NOT DENYING EXISTENCE OF NON-POLITICAL FORMS OF TERRORISM, HE ARGUED THERE LITTLE PROBLEM OF COOPERATION IN NON-POLITICAL AREA); B) THEY ALL AGREED STRUGGLE OF NATIONAL LIBERATION MOVEMENTS SHOULD IN NO CASE BE COVERED. HE ALSO UNCLASSIFIED

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ARGUED THAT IT NECESSARY TO COVER STATE TERRORISM AND SAID THAT SECRETARIAT STUDY IN RESPONSE TO SWEDISH PROPOSAL SHOULD COVER THESE ASPECTS.

12. FREELAND (UK) SAID DISCUSSION LAST TWO DAYS CONFIRMED HIS DEL'S DOUBTS ABOUT UTILITY AND DESIRABILITY OF DEFINING TERRORISM. HE SAID THERE CONFUSION IN REFERENCES TO STATE CONDUCT, WHICH MAY BE CAUSE OF TERRORISM BUT NOT COMPREHENDED WITHIN TERMS "INTERNATIONAL TERRORISM". HE COMPLIMENTED

RAHAL'S COURAGE IN ATTEMPTING SUMMARY, BUT DISASSOCIATED HIS
DEL FROM THAT FORMULATION.

13. CHAIRMAN BOYD (PANAMA) SAID ALL PROPOSALS SUBMITTED
RELATING TO DEFINITION SHOULD BE STUDIED SO THAT FULL COMITE
ON AUG 9 AND 10 WOULD BE ABLE TO DECIDE HOW TO TREAT THESE
SUGGESTIONS.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 03 AUG 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973USUNN02771
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730857/aaaabqem.tel
Line Count: 231
Locator: TEXT ON-LINE
Office: ACTION IO
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: willialc
Review Comment: n/a
Review Content Flags:
Review Date: 13 SEP 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <13-Sep-2001 by reddocgw>; APPROVED <22-Oct-2001 by willialc>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: UN AD HOC COMITE ON TERRORISM - SUB-COMITE ON DEFINITION
TAGS: PINS, UN
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005